

ASSEMBLY, No. 5104

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED JULY 13, 2017

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblywoman Jasey

SYNOPSIS

Prohibits DEP from amending certain regulations to be less stringent than certain federal regulations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT prohibiting the weakening of certain environmental
2 regulations and supplementing Title 13 of the Revised Statutes
3 and P.L.1968, c.410 (C.52:14B-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. a. Unless specifically authorized by State law, the
9 Commissioner of Environmental Protection shall not file with the
10 Office of Administrative Law a notice of proposal or notice of
11 adoption that would result in a change to an existing rule or
12 regulation that would be less stringent than the applicable federal
13 rule, requirement, or standard contained in federal law, or the
14 applicable implementing federal rule, requirement, or standard, in
15 effect on January 1, 2017.

16 b. As used in this section, "federal law" means: the "Clean Air
17 Act," 42 U.S.C. s.7401 et seq.; the "Endangered Species Act of
18 1973," 16 U.S.C. s.1531 et al.; the "Safe Drinking Water Act," 42
19 U.S.C. s.300f et seq.; and the "Federal Water Pollution Control Act
20 Amendments of 1972," 33 U.S.C. s.1251 et seq.
21

22 2. a. The Office of Administrative Law shall not accept for
23 filing from the Commissioner of Environmental Protection a notice
24 of proposal or notice of adoption that would result in a change to an
25 existing rule or regulation that would be less stringent than the
26 applicable federal rule, requirement, or standard contained in
27 federal law, or the applicable implementing federal rule,
28 requirement, or standard in effect on January 1, 2017, unless the
29 notice contains a copy of the State law that specifically authorizes
30 the adoption of the less stringent rule or regulation.

31 b. As used in this section, "federal law" means the same as the
32 term is defined in section 1 of P.L. , c. (C.) (pending before
33 the Legislature as this bill).
34

35 3. This act shall take effect immediately.
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38 STATEMENT

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40 This bill would prohibit the Commissioner of Environmental
41 Protection from filing with the Office of Administrative Law (OAL)
42 a notice of proposal or notice of adoption for any rule or regulation
43 that would result in a change to an existing rule or regulation that
44 would be less stringent than the applicable federal rule,
45 requirement, or standard contained in federal law, or the applicable
46 implementing federal rule, requirement, or standard, in effect on
47 January 1, 2017. However, the bill provides an exception to this

1 prohibition if State law specifically authorizes the adoption of the
2 less stringent rule or regulation.

3 This bill also prohibits the OAL from accepting for filing a
4 notice of proposal or notice of adoption submitted by the
5 Commissioner of Environmental Protection that would be less
6 stringent than the applicable federal rule, requirement, or standard
7 in effect on January 1, 2017, unless the notice contains a copy of
8 the State law that specifically authorizes the adoption of the less
9 stringent rule or regulation.

10 As used in the bill, “federal law” means the “Clean Air Act,” the
11 “Endangered Species Act of 1973,” the “Safe Drinking Water Act,”
12 and the “Federal Water Pollution Control Act Amendments of
13 1972.”

14 This bill is intended to prevent the State from weakening its
15 environmental regulations based solely on actions taken at the
16 federal level. In a state as densely populated as New Jersey, it is
17 important to protect the State’s air, land, and water resources, and
18 not lessen our high standards designed to protect the State’s public
19 health, welfare, and environment solely to follow actions at the
20 federal level.